

# Grievance and Dispute Resolution for UNEX Students

## SA508

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Last Reviewed: June 2021

### I. Intent

In keeping with the University's principles of community and ethical values, Extension promotes fairness and due process in conflict resolution and strives to foster and co-create a vibrant learning community. Students in UCLA Extension courses and programs have the right to learn and study in an equitable and inclusive environment. When an Extension student feels they have been treated unfairly or in a manner that violates University policy, they may seek to address and resolve their concerns.

This policy codifies the process for mediating grievances made by Extension students, and defines expectations for fact-finding and resolution.

### II. Definitions

- **Assistant Dean of Student Services (ADSS):** the ADSS oversees Extension's Department of Student Services and is delegated responsibility to mediate and resolve matters of student conduct and complaints/grievances, and authority to conduct formal grievance hearings.
- **Civil Rights Office (CRO):** the CRO is an office within UCLA's Office of Equity, Diversity and Inclusion that includes the Discrimination Prevention Office (DPO), Title IX Office (T9), and Staff Diversity & AA/EEO Compliance Office (SD&C) and serves as civil rights investigatory units for the campus. Depending on the respondent and allegation, these offices have responsibility in the adjudication and investigation of complaints.
- **Complainant:** a UCLA Extension student who submits a complaint reporting an incident of concern, alleged prohibited conduct, or policy violation.
- **Complaint:** an oral or written complaint that alleges an inappropriate action or violation of policy or law, and for which an informal or alternative process can resolve the matter. When a student chooses to file a formal charge, a complaint becomes a grievance.
- **Dean:** the Dean of Continuing Education & UCLA Extension who is delegated authority to establish policy for Extension students, and may hear appeals of decisions made by the Assistant Dean Student Services under the provisions outlined below in section E.

- **Days:** University business days, not including Saturdays, Sundays, or days on which the campus is closed.
- **Extension Human Resources (EHR):** a department within UCLA Extension responsible for mediating grievances made against an Extension staff employee or instructor, in coordination with responsible campus offices.
- **FERPA:** the federal *Family Educational Rights and Privacy Act*, 20 U.S.C. § 1232g; 34 CFR Pt. 99, defines the terms and conditions under which UCLA protects and discloses information contained in students' educational records.
- **Grievance:** a claim of harm caused by violation of policy or law that becomes a formal charge when a dispute cannot be resolved at an initial level by an informal process.
- **Grievance Coordinator:** the Assistant Dean of Student Services (ADSS), or other delegated UCLA Extension administrator, who consults and works with Extension administrative and academic units to address and resolve student complaints and grievances.
- **Grievance Hearing Officer:** the Assistant Dean of Student Services, or other delegated UCLA Extension administrator, who shall preside over a formal administrative hearing to resolve a student grievance.
- **Incident Reporting Form (IRF):** the official form to report and log incidents of concern and complaints; this form may be utilized by Extension students, instructors, academic and administrative staff, and community members.
- **Preponderance of Evidence:** an evidentiary standard in which the totality of the evidence demonstrates that it is *more likely than not* that the alleged action or conduct occurred.
- **Program Director/Continuing Educator:** a PD/CE is an academic employee who develops and manages academic courses and program curriculum for UCLA Extension. PDs/CEs work with a team of program managers/representatives and are responsible for the academic administration of courses, instructors, and students.
- **Respondent:** the person or people against whom a complaint or grievance is made, or the person or entity accused of prohibited conduct or policy violation.
- **SVSH / Title IX Policy and Adjudication Frameworks:** the *Sexual Violence and Sexual Harassment (SVSH)* policy and related *Sexual Violence and Sexual Harassment Adjudication Frameworks* codify the University's responsibilities related to sexual violence, sexual harassment, retaliation, and other prohibited behavior as defined in this policy in order to ensure an equitable and inclusive education and employment environment.

- **Student:** a person for whom UCLA Extension maintains student records and who has enrolled in a course or a program curriculum offered by UCLA Extension. An Extension student may make a complaint or file a grievance regarding an incident that occurred while they were enrolled in an Extension course or program, or thereafter, in accordance with the statute of limitations outlined in this policy.
- **Student Conduct Code:** UCLA Extension policy *SA507 Student Rights & Responsibilities* which outlines rights, responsibilities, and the conduct code for Extension students.
- **Student Services (SS):** a department within UCLA Extension responsible for student administrative services related to enrollment/registration, cashiering, student records, career and alumni services, disability services, financial aid, and student rights/responsibilities.
- **Student Rights & Responsibilities Center (SRRC):** a unit within UCLA Extension's Department of Student Services, including the Office of Disability Services (ODS), who is responsible for the administration and management of the student conduct code, disability services, and ADA/504 compliance; administration of related training; and mediation and coordination for student complaint resolution.

### III. Policy Statement

#### A. Nondiscrimination

It is the policy of the University of California to uphold and comply with anti-discrimination laws, including Title VI of the 1964 Civil Rights Act; 2020 Department of Education Title IX Regulation; the 1973 Rehabilitation Act, Section 504; and the 1990 Americans with Disabilities Act Title II.

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition, ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment, sexual violence, dating violence, and retaliation. This nondiscrimination policy covers admission, access, and treatment in University programs and activities.

## B. Delegations and Responsibilities

UCLA Extension's Assistant Dean of Student Services is delegated responsibility to mediate the resolution of Extension student complaints and grievances.

Exception to this fundamental delegation requires prior approval of the Dean.

Depending on the circumstances of a complaint, the ADSS, and designated staff in Student Services, will lead the effort to resolve the matter in coordination and consultation with Extension stakeholders. These key stakeholders shall work with the ADSS to mediate the following types complaints made by students:

- 1. Program Directors (PD)/Continuing Educators (CE):** for complaints related to academic/instructional quality or regarding an action or failure to act by an instructor, proctor, program staff or advisor/counselor, such as a demand for grade change or for re-examination, demand for reconsideration of an adverse admissions decision or mistreatment in an admissions process, for the assignment of an *Incomplete* grade, the waiving of an academic requirement, irregularity in testing, a petition for extra credit; a demand for a make-up exam, any claimed failures or misdirection in academic counseling; or a claim of theft of intellectual property.
- 2. Administrative Directors and Managers:** for complaints related to an alleged service failure, action or failure to act by the administration, such as matters regarding financial aid counseling, billing and payment disputes, access to or correction of students' records; violations of the federal *Family Educational Rights and Privacy Act* (FERPA); matters of international students' continuing status; or a failure or mishandling of an enrollment, permission to enroll (PTE), waitlist or payment transaction
- 3. Student Rights & Responsibilities Manager:** for claims of prohibited discrimination made against a student, in coordination with the responsible campus office(s), and student allegations of disability-based discrimination, harassment, or failure to accommodate.
- 4. Registrar:** for complaints regarding student records and claims of FERPA violation.

Claims framed as a *request for refund* by students will be adjudicated per the terms of Extension's [Refund Policy](#) which delegates administration of refunds and processing of petitions for refund exceptions.

- 5. Extension HR:** for complaints of discrimination and misconduct against an Extension staff employee or instructor, in coordination with the responsible campus office(s).

Student complaints directed to the Extension Dean's Office, or received at the Dean's office having been redirected by the Chancellor's or President's offices, will be forwarded to the Associate Dean of Student Services for review.

## C. Reporting Student Grievances

Extension considers any complaint to warrant timely response and resolution. Often, a student's concern or complaint may be addressed by staff immediately in real-time with clarification of information, explanation of policy, and responsive customer service.

In cases when a student complaint alleges violation of policy, malfeasance, and harm incurred as a result, the student is encouraged to report the complaint in writing to Extension. For complaints regarding discrimination, as stated in section III.A, students may choose to report directly to the campus [Civil Rights Office](#).

### 1. Reporting an Incident

Incidents and complaints may be reported to Extension with the centralized [Incident Reporting Form \(IRF\)](#). Access to the IRF will be made available via Extension's communication avenues including public-facing sites, intranet sites, and the instructor site.

This form logs an incident of concern and enables Extension to document and resolve the matter. Students may report a complaint anonymously, but are advised that this may limit the ability to respond to and resolve the matter. A student who may require reasonable accommodation in reporting an incident may contact the ODS/SRRC for assistance.

### 2. Timeframe for Reporting

Students may file a complaint anytime when an incident of concern occurs, and are encouraged to report sooner rather than later so that the matter may be resolved early. Grievances alleging misconduct or violation of the student conduct code must be made within one (1) year following the discovery of alleged misconduct, unless an exception is granted by the Dean of Continuing Education & UCLA Extension.

Grievances alleging ADA/disability discrimination are legally mandated to be filed within 180 days from the time a student could have reasonably expected to have knowledge of the alleged violation. Grievances alleging violation of the SVSH policy/Title IX have no time limit for reporting.

## D. Complaint and Grievance Resolution

### 1. Initial Review

Complaints reported via the IRF will be reviewed by the SRRC to determine the circumstances, type of complaint, and respondent's role.

- If a complaint alleges discrimination, Extension works in coordination with responsible offices in the campus Civil Rights Office in accordance with University policy.
- Disability discrimination complaints based on physical or mental disability or perceived physical or mental disability, as regulated by the ADA and policy, are mediated by the SRRC and the ADSS, in consultation with the ADA/504 Compliance Office.
- For complaints of disability discrimination, the Office of Disability Services is required to verify and determine if the student notified and registered their disability with Extension. Students with a disability who require an accommodation in order to participate in an Extension course or program must register with the ODS. This registration notifies the University and ensures Extension has a record of the student's disability. Following registration and receipt of sufficient documentation from the student, the ODS will consult with the student and an appropriate representative of the course or program to determine and issue an approved set of academic adjustments that are reasonable and would not fundamentally alter the nature of the program.
- Complaints made against an instructor who is also an Extension employee shall be addressed according to the role in which the person was functioning at the time of the incident, and are mediated by EHR.
- To ensure the integrity of the instructor-student relationship, Extension instructors are held to the standard of conduct expressed in their contract terms and conditions, interpreted, in accordance with the Academic Personnel Manual (APM) policy. The APM outlines unacceptable conduct and states the responsibility of instructors to conduct their pedagogical relationship with students from an understanding of University policies. Extension instructors may not enter into romantic or sexual relationships with students for whom they have academic responsibility (instructional, evaluative, or supervisory).

## 2. Guidelines for Mediation

Extension's process for resolving student grievances will follow these guidelines, and applicable policy and law.

- As an academic division within the UC and UCLA, Extension can adjudicate matters only for UCLA Extension students. Extension may not exercise jurisdiction over a respondent who is not affiliated with UCLA Extension. Cases in which the alleged respondent is affiliated with UCLA will be referred to the UCLA department with delegated authority.

- At the outset, students will be provided a written statement of their rights, a list of available support services both within and outside the University, a copy of the SVSH policy (as applicable), a copy of this grievance policy, a copy of policy SA507, and information on the adjudication/resolution process.
- Per policy *SA507 Student Rights & Responsibilities*, students have the right not to participate in a resolution process whether they are the complainant or respondent. However, the process may proceed without their participation and can result in decisions made based on the information available. No inference can be drawn as a direct result of a student's non-participation.
- In cases in which the student complainant chooses not to participate after having reported a complaint, refusing to attend meetings or respond to communications, UCLA Extension has the discretion to address the complaint based on the information available.
- Extension will timely address concerns about bias or conflict of interest raised by a complainant or respondent about individuals responsible for processing their complaint, including but not limited to re-delegating roles of investigators, hearing officers, and individuals assigned to address appeals.
- University policy prohibits retaliation or intimidation against those who file a grievance or anyone participating in the grievance adjudication process.
- A complaint filed regarding a case that is in the resolution process may not be used to impede or remedy a current open case. A complaint or grievance cannot be used to re-open outcomes of conduct cases that have been closed. Students who fabricate information or knowingly provide false information may be disciplined under the student conduct code.
- In the course of a review or investigation, interim measures, including a disciplinary no-contact order, or emergency/interim suspension or exclusion may be imposed when it is determined that one party may pose a threat to the health or safety of another.
- As a matter of sound risk management, if at any time an Extension staff member becomes aware that the grievant may escalate the matter to a lawsuit, that staff member shall notify the Dean and, as designated Associate or Assistant Dean.
- Student grievances are adjudicated based on a preponderance of evidence standard of proof, that is, whether it is more likely than not that the alleged action or conduct occurred.
- Extension students may seek neutral consultation with the campus [Office of Ombuds Services](#). Ombudspersons provide assistance on an informal basis for dispute resolution to the campus community.

### 3. Informal Resolution

- Efforts will be made first to resolve a student's complaint by informal resolution within fifteen (15) days from the time the complaint was made known via the documented submission of the IRF.
- Informal resolution will include an assessment, written response and consultation with the student complainant. During the assessment, information will be gathered with the purpose to: (1) clarify the complainant's allegations, (2) determine whether the report plausibly alleges an act of prohibited conduct or policy violation, and (3) determine whether there is sufficient information to resolve the matter informally or to proceed with a formal investigation and hearing.
- In addition to collecting information from the student complainant, other relevant individuals, including witnesses and/or additional complainants may also be contacted as is necessary to complete the assessment.
- During this stage of the complaint handling process, the respondent is not provided formal notice. Unless the respondent is contacted for further information they may be unaware that any complaint has been reported. If the respondent inquires during the initial assessment, the ADSS, or designee, may confirm whether or not a complaint has been filed against the respondent but will provide only general information about the allegations. In exceptional cases, for example if there are serious concerns of retaliation or destruction of evidence, the ADSS, or designee, may not give the respondent any information about the complaint, including the fact that a complaint has been filed.
- Based on the assessment and circumstances, the ADSS, or designee, may facilitate communications to determine and propose a remedy to resolve the matter informally. The remedy will be communicated in writing to the relevant parties via email. If the proposed remedy is acceptable to all parties, the resolution will be documented, implemented and the matter considered resolved.

### 4. Formal Resolution

- If the complaint cannot be resolved informally, the matter will proceed as a formal grievance. Resolution of formal grievances will be completed within the timeline applicable to the investigating office under the applicable policy. Applicable timelines may be extended for good cause and such extensions will be communicated to all parties by the designated investigator.
- The formal grievance resolution process will include a formal fact-finding investigation, a written notification of investigation to the complainant and respondent, an administrative grievance hearing, a report of findings,

notification of decision, and a process for appeal. The grievance hearing officer, the ADSS or designee, will preside over the formal hearing and all parties will be notified of the timeline for each step.

- Formal resolution of discrimination grievances under the purview of the campus Civil Rights Office, will be conducted in accordance with applicable procedures and adjudication frameworks which designate the investigator and hearing officer.
- Communications to address and resolve a grievance will be documented in written correspondence, email, and/or reporting forms as applicable. A formal business letter should be utilized to communicate a decision/ruling and appeal process.

## E. Appeals

Notifications of decision from the formal resolution process will include information and guidance on the process to appeal. A student grievant may appeal the decision within ten (10) days of the date of the notification of decision. Appeals will be heard on the following grounds:

1. there was an error in the application or interpretation of policy or an error in procedure that materially affected the outcome;
2. there is new evidence that was not known and not available to the parties at the time of the decision or hearing that could have materially affected the outcome.

Claims of appeal that do not meet these grounds may not move forward with the appeal process and the decision will be final. The Dean, or their designee, will review appeals first on the timeliness of submittal, and then on the grounds stated above. The Dean, or their designee, may decide to uphold the original decision, or modify it if they determine that new material evidence is sufficient to alter the original decision, or send the case back to the hearing officer to be reheard. The decision of the Dean or their designee is final.

## F. Special Case: Grieving Final Grades

The University of California does not consider grades to be grievable except under narrow circumstances. Instructors and students must be informed about the academic grading policy via Extension's public-facing sites, student and instructor portals and sites, as well as orientations or trainings.

Final grades are not grievable based on an academic consideration, but nevertheless require response as there may be cause for review under special

circumstances. Instructors who report a clerical or procedural error must request to the Extension Registrar that the grade be changed.

Program Directors/CEs and designated program managers will manage the review and response of a student's petition for change in final grade, with the understanding that UC Academic Senate Regulation 780 B declares:

*All grades except Incomplete are final when filed by the instructor of record in an end-of-term course report. However, the correction of a clerical or procedural error may be authorized as the Division directs. No change of grade may be made on the basis of reassessment of the quality of a student's work. No term grade except Incomplete may be revised by re-examination.*

Consistent with Los Angeles Division protocol, Extension's Registrar is authorized to direct a change in a final grade: a) upon the declaration of the *Primary Instructor of Record* that a clerical or procedural error occurred, or b) upon written request of the Program Department Director or the Dean or Associate/Assistant Dean in cases where it has been determined that an instructor has assigned a grade on a basis other than academic grounds thus violating one or more provisions of University policy.

## G. Training, Data Management and Record-Keeping

Training on this policy and related procedures will be conducted by the SRRC, in collaboration with administrative and academic program areas within Extension. Additional collaboration and resources from related campus offices may also be utilized in training content and development.

The SRRC is responsible for maintaining and tracking data on student complaints and grievances for the purpose of institutional compliance and reporting requirements. In accordance with the University records retention policy, grievance records will be maintained for five (5) years after the end of the academic year in which the case is closed. This data is subject to confidentiality and privacy policies and may inform the development and improvement of Extension student services.

## IV. References and Listing

This policy will be publicly listed. Questions and comments are welcomed by the *Office of the Dean, Continuing Education and UCLA Extension*, (310) 825-2362; [DeansOffice@uclaextension.edu](mailto:DeansOffice@uclaextension.edu).

*See also:*

- UCOP Policies Applying to Campus Activities, Organizations and Students (PACAOS), [170 University Obligations and Student Rights](#), July 28, 2004.
- UCOP Policies Applying to Campus Activities, Organizations and Students (PACAOS), [110 Student Grievance Procedures](#), May 17, 2002.
- UCOP Policy, [Sexual Violence and Sexual Harassment \(SVSH\)](#), August 14, 2020. SVSH Adjudication Frameworks: [Appendix E: Student Adjudication Framework](#), [Appendix F: Student Adjudication Framework for DOE-Covered Conduct](#), [Staff and Non-Faculty Academic Personnel](#), August 14, 2020 and July 31, 2019.
- UCLA Procedure, [230.2 Student Grievances Regarding Violations of Anti-Discrimination Laws or University Policies on Discrimination on Basis of Disability](#), September 26, 2016.